

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

MICHAEL DWAYNE HOWELL, a/k/a "Black"

Date of Previous Judgment: April 17, 2007

(Use Date of Last Amended Judgment if Applicable)

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Case No: 5:05CR235-10

USM No: 21516-058

Randolph Lee

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>33</u>	Amended Offense Level:	<u>31</u>
Criminal History Category:	<u>III</u>	Criminal History Category:	<u>III</u>
Previous Guideline Range:	<u>240</u> to <u>293</u> months	Amended Guideline Range:	<u>240</u> to <u>240</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction as the guideline range remains unchanged due to the mandatory statutory minimum sentence. Note: the previous guideline range of 240 to 293 months from an offense level of 33 and a criminal history category of III is incorrect (it should be 240 months).

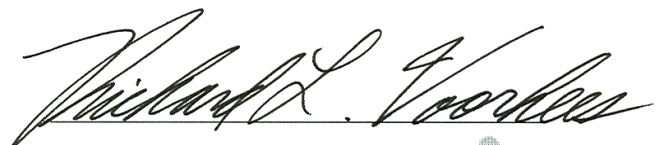
### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated April 17, 2007, shall remain in effect.

**IT IS SO ORDERED.**

Order Date: January 12, 2010

Effective Date: January 12, 2010  
(if different from order date)



Richard L. Voorhees  
United States District Judge

